Department for Transport

New Roads and Street Works Act 1991 Specification for the Reinstatement of Openings in Highways Draft Third edition

Annex A – Pro-forma for responses

August 2009

CONSULTATION RESPONSE PRO-FORMA

Consultation on the revised Specification for the Reinstatement of Openings in the Highway. (SROH)

PART 1 – Information about you

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Company Name or Organisation (if applicable)	National Joint Utilities Group (NJUG)

Please tick one box from the list below that best describes you/your company or organisation.

☐	Small to Medium Enterprise (up to 50 employees)
☐	Large Company
☐	Utility Company ☐ Water ☐ Gas ☐ Electricity ☐ Telecoms
☒	Representative Organisation
☐	Trade Union
☐	Interest Group
☐	Local Government ☐ County Council ☐ London Borough ☐ Metropolitan Borough Council ☐ Unitary
☐	Central Government
☐	Emergency Service ☐ Ambulance ☐ Fire and Rescue ☐ Police ☐ Other
☐	Member of the public
☐	Other (please describe):

If you are responding on behalf of an organisation or interest group how many members do you have and how did you obtain the views of your members:

NJUG represents 37 utility companies and contractors through membership and associate membership, and has consulted with these members on their views.

If you would like your response or personal details to be treated confidentially please explain why:

N/A

PART 2 – <u>Your Comments</u>

INTRODUCTION

‘The Specification for the Reinstatement of Openings in Highways (SROH) is a code of practice outlining a national standard applicable to all undertakers when carrying out reinstatement as part of executing street works. Your views are sought on the proposed changes and additions to the code of practice.
A large number of the changes are relatively minor and relate to amended terminology or verbiage.

Working Methods

Question 1

Reinstatement construction thickness Where a road has been designed to a specific standard the utility company must match the reinstatement to the existing roads construction thickness. This addition reinforces current practices in this area that were not detailed in the previous edition of the specification. The change will bring a positive impact on the quality and performance of the reinstatement. **Q1a: Do you agree that this method formalises current practice being undertaken?**	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	
Q1b: Do you agree that this method will enhance the performance of the reinstatement?	
Yes ☐	No ☒
If not, please describe why and provide all the necessary supporting evidence.	
NJUG members on the Working Party were entirely comfortable with this proposal. Otherwise there is a risk of differential performance arising from mis-matched thicknesses of bound materials (particularly) between the original road construction and the reinstatements. Utilities should not be defected if the like for like reinstatement does meet SROH specifications. Whilst matching thicknesses for newly designed roads is entirely appropriate, it cannot be assumed that the performance will necessarily be enhanced. However, it should as a minimum, ensure performace parity with the existing road construction. Roads designed to these Higher Standards should be clearly identified on the NSG.	

Question 2

Match of surface in high amenity areas
Most highway authorities have areas they have designated as high-amenity where high quality surfaces have been laid and maintained to high standard e.g. shopping areas, tourist attractions and areas of historical significance. If works take place in those streets the undertaker must reinstate to the same maintenance standard.
The addition reinforces current practice and formalises it in respect of the Code of Practice. There are no negative impacts associated with this change.

Q2a: Do you agree that this method reinforces current practice being undertaken?

Yes ☐	No ☒

If not, please describe why and provide all the necessary supporting evidence.

Whilst NJUG members on the Working Party agreed in principle to introduce this change, there are concerns around existing practice. There is little available data to review that demonstrates that Highway Authorities do indeed maintain at higher levels.

NJUG has concerns around a number of issues in relation to this change:

1. Such areas should be identified on the NSG, together with the expected maintenance intervention limits, so that Utilities can plan approriately for future works. Without the NSG 'alert' it is very probable that Utiltiies will have limited knowledge of these areas which could affect their ability to comply.
2. There is every prospect that disputes over the Highway Authority's ability to demonstrate its own maintenance performance will arise, thereby leading to disagreements and additional management time and effort (on both sides) involved in working through these.
3. These areas are quite commonly constructed and maintained (under Licence) by Private Developers, or their Contractors. NJUG has concerns when dealing with such bodies, who invariably have little operational knoweldge of NRSWA, again leading to disporportionate management time and effort needing to be expended.

Q2b: Do you agree that this method will enhance the performance of the reinstatement?

Yes ☒	No ☐

If not, please describe why and provide all the necessary supporting evidence.

Question 3

Edge Regularity
This section provides guidance on the shape of the reinstatement to ensure that

adequate compaction can be achieved. The change is to allowable internal angles within the reinstatement i.e. less than 90%. This has been updated so that the reinstatement can be constructed with no loss of performance. There is also an additional diagram to provide guidance on longer trench openings. **Q3a: Do you agree that this change will facilitate better methods of working?**

Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	
3b: Do you agree that this method will improve the quality of reinstatements?	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

Question 4

Proximity of Reinstatements to Iron Work and other fixed features The proximity clearance of reinstatements to ironwork or other fixed features has been amended so that cut back to any fixed feature less than 250mm in size is not required. This will reduce the amount of cut back and should ensure consistent reinstatements with no loss of structural integrity. **Q4: Do you agree with the change of the proximity rule?**

Yes ☒	No ☒
If not, please describe why and provide all the necessary supporting evidence.	
In principle, NJUG very much agrees with this rule. However, there will be a need to examine how problematic this rule may be in application, particularly around rectangular apparatus such as fire hydrants/stop valves which can be 250mm x 400mm in dimension. There may be a need to give additional guidance in the publised 3rd Edition.	

Question 5

Cut Back This provides updated guidance applied to the most heavily trafficked roads i.e. type 1 and 2 on how to provide a cutback, which is a step in the upper bound road layers. Unless a joint is properly formed, it becomes a potential water penetration point. By creating a cutback any water ingress is likely to be limited and the subsequent negative impact reduced.

Q5a: Will this method provide an adequate seal to prevent water ingress?	
Yes ☐	No ☒
If not, please describe why and provide all the necessary supporting evidence.	
NJUG members on the Working Party were not convinced by the arguments in support of cutback, put forward by Highway Authority members. However, NJUG did agree to the proposals set out in the Consultation document with a view to effectively using the lifetime of the 3rd Edition as a trial in the more heavily trafficked roads, on the strict basis that it was common practice for the Highway Authority to do likewise for its own road works. NJUG members have concerns as to how the effectiveness and increased performance of reinstatmenets will be confirmed by this (effective) trial and would welcome clarification on how this will be achieved.	

Q5b: Are there any potential problems with the cutback?	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	
NJUG believes this question should be commented upon even though we have answered 'Yes'. NJUG members have concerns as to how the effectiveness and increased performance of reinstatmenets will be confirmed by this (effective) trial. In addition, research by TRL supporting 'straight' sided reinstatements (coupled with the minimum 2-year Guarantee Period) has effectively been disputed by this change. Other comments in this regard include: (a) water ingress may be trapped in the cut back and unable to disperse causing premature failure, particularly due to frost. (b) the addition of the cut back will take many small reinstatements and narrow trenches ouside of the maximum dimensions allowed, thus denying undertakers the flexibility in reinstatement , cost savings and prevention of congestion through easier first time reinstatement with one material that previously would have occurred. The Working Party should particularly consider this operational issue. (c) what form will the trial to identify increased performance take?	

Question 6

Reinstatement Edge Preparation The revised code of practice strengthens the requirements for edge treatment to ensure a better performing sealed joint. It is a requirement to seal the vertical faces

of the reinstatement as it offers better protection against water ingress. Best practice examples have been provided and if followed correctly then the structural integrity of the reinstatement will improve. **Q6: Do you agree that this method will enhance the performance of the reinstatement and reduce water ingress?**

Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

Question 7

Compaction Compaction of the various layers is the most important factor to ensure quality and a long term life of the reinstatement. The revision has amended this section to be a performance based specification where an air void criteria has been added for all reinstatements. The previous method which took into account the number of passes has been included in the note for guidance. **Q7a: Do you agree that this method of compaction will improve the quality of the reinstatement?**

Yes ☐	No ☒
If not, please describe why and provide all the necessary supporting evidence.	
NJUG members in the Working Party raised concerns over this move to in effect an 'all or nothing' approach of end Performance, as advocated most strongly by the Highway Authorities. Save for Notes for Guidance, which contains the original 'Number of Passes' methodology, the Specification now provides no guidance to industry as to how to achieve compaction compliance. Utilities feel there is a void between previous research/testing (which supported the Number of Passes methodology) and speculative research (in different formats and to different international standards) by compaction equipment manufacturers. If there is a doubt over the Number of Passes methodology, and in the absence of more definitive guidance, there is a real probability that operatives will 'over-compact' bound materials in order to meet the Voids Content. This in itself could lead to consequential / detrimental effects on the bound materials, potentially reducing their performance / longevity.	
Q7b: Do you see any problems with the performance specification requirement?	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

NJUG believes this question should be commented upon even though we havw answered 'Yes'.

In addition to the comments against Q7a, the current (2nd edition) specification has required air voids testing. The fact that bulk densities tests are integrally necessary has led to numerous results being 'disputed' on both sides, as the actual results are very sensitive to minor variation in the bulk density results. Bulk densities should preferrably be completed at the time of reinstatement, or periodically by the material manufacturer. Where Highway Authorities undertake their own air voids testing, at best they can only rely on the periodic testing by the material manufacturer. NJUG members have been working to establish evidence of bulk density and in consultation with material testing experts they have concluded that the testing of air voids in an exact science which must not contain any inaccurate data as part of the process. So the potential for dispute very much remains under the 3rd edition.

There is also a need for guidance as to the frequency of testing. This is particularly relevant to small excavations. One NJUG member has recently been air void tested c.30 times in the same street for works completed under the same scheme, by the same reinstatement Contractor, within a short construction duration.

Fundamental to the discussions around air voids limits, whether too restrictive (the utilities view) or indeed too generous (the Highway Authorities' view), is the question of the consequences of failure to meet the requisite air voids limits, and what problems manifest as a result. Aeration of the Surface Course and reduced durabiltiy are cited by Highway Authorities, but the Utilities' experience in terms of defective reinstatements is extremely minimal.

Additional to the principles above, cores should not be allowed too near to apparatus - the 100mm suggested appears potentially problematic. The limitation on coring within 75mm of the edge of the reinstatement should be reinstated, in order to avoid excessive compaction (material distress) at the edges as Utilities' Contractor seek to avoid 'soft' core failure defects.

Question 8

Water presence

Water presence is a major contributor to the failure of reinstatements. Clarification of requirements for reporting and dealing with water ingress and presence on the highway, will allow for earlier intervention by the appropriate undertaker or authority. The revised Code introduces clearer guidelines on the procedures to be adopted when water ingress is detected at any stage of the construction or reinstatement process. Quick intervention removes the likelihood of greater problems at a later date.

Q8: Are the new guidelines for dealing with water ingress clear and will they work?	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

Question 9

Manhole covers and frames Guidance and advice is provided for reinstatements adjacent to manhole covers and frames. Preferred reinstatement methods and construction have been introduced that removes uncertainty. The new diagrams and photos come from best practice within the industry and will result in more first time reinstatements. **Q9a: Do you agree that this method formalises best practice being undertaken?**	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	
Q9b: Does the new guidance improve the working methods and material selection to improve reinstatements around manhole covers?	
Yes ☒	No ☒
If not, please describe why and provide all the necessary supporting evidence.	
In principle the new guidance is very welcome. What is lacking is the application of the guidance, which should be addressed in the Consultation response period. NJUG members have substantial numbers of surface ironwork greater than say 450mm square, for which the guidance appears to be more relevant. However, some members have similarly significant numbers of surface ironworks as small as 100mm square - examples include Water Sector stop-cocks and Telecoms Termination Boxes. There is therefore a need for further clarity for these elements of apparatus.	

Question 10

Edge treatment at verges This provides clarification of the treatment to reinstatements where they are placed in verges at a short distance from the road edge, and highlights the need to strengthen the reinstatement to accommodate the thrust from wheel loading. There should be no impact on business as this practice is being adhered to despite not having been formally adopted within the Code of Practice. **Q10: Do you agree that this method formalises current practice being undertaken?**

Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

Question 11

Modular Paving and use of Natural Materials The reinstatement of modular surfaces recognises the need to manage the replacement of broken and defective paving. Natural paving materials such as ‘York stone’ are important materials as the reinstatement of those types of natural materials needs special consideration. In many cases they are cracked and chipped but still fit for purpose in the setting that they are placed. The revision sets out that natural materials even if broken will not be disposed of and may in agreed circumstances be reused for the permanent reinstatement. **Q11: Do you agree that there is a special case relating to the use of natural materials in reinstatements?**

Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

Increased Sustainability

Question 12

Note materials to comply with new EN standards There was a mandatory requirement for the UK government to introduce the European material specifications and functional requirements by June 2004. Operations, materials and products have been introduced since 2004 that comply with EU requirements. It would not have been operationally practical to have carried out a revision immediately, as the implications of the standards could not be assessed until a reasonable period following their introduction. The alignment of the SROH to the standards will have a minor impact on business as the standards are already being adhered to despite not having been formally adopted within the Code of Practice. Revision will ensure consistency and consolidates the advice note issued by HAUC (UK) in 2008. **Q12: Do you agree that Industry has already adapted to the new EN standards and the revision just formalises this?**	
Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	

Question 13

Alternative reinstatement materials Appendix A9 of Code The section has been re written to facilitate the use of recycled materials which refers to any material excavated on site that can be: • Immediately re-used. • Sent off, treated then re-used or • Brought in from a recycling plant, not necessarily from the on-going site, but from a previous excavation. The application and selection is based on the Specification for Highway Works (SHW) which details construction and material requirements for all types of excavation and construction. The SHW is a DfT document for local authorities. Some of the changes to materials comply with the necessary specification and do not need to undertake further trials, other than routine testing that a local authority conducts. The changes will formalise existing practice and an advice note issued by HAUC (UK) rather than introducing anything new. The aim is to provide more focus to undertakers and highway authorities to use recycled materials. In most cases recycled material will be less expensive than virgin and if arisings excavated from site are recycled it will reduce landfill. **Q13a: Do you believe that use of alternative materials will be beneficial?**

Yes ☒	No ☐
If not, please describe why and provide all the necessary supporting evidence.	
Q13b: Do you already use alternative materials?	
Yes ☒	No ☐
Is so, please provide information on whether or not you have benefited from using them.	
Q13c: Do you see the changes will support the increased use of alternative materials?	
Yes ☐	No ☒
If not please explain what the remaining barriers are.	
Appendix A9 has substantially helped reduce individual Highway Authorities requiring specific testing in their area, something which is disproportionately time-consuming and has been a significant barrier in recent years. The current Advice Note No. 2009/01 - The Use of Alternative Reinstatement Materials (published 22nd December 2009), has seen a significant upturn in optimism from utilities, but there is still the very real prospect of a few Highway Authorites who remain insistent upon their own testing regimes. It is very much hoped that Advice Note No. 2009/01 and a groundswell of interest in using ARMs for environmental as well as cost reasons will encourage Highway Authorities toward greater acceptance; they likeiwse have green targets as well. In addition to the generality of the Appendix, the Draft Code should also amplify the distinction between the requisite sub-base layer, and sub-base equivalnece. This has caused some isues with Suppliers to market ARMs as "sub-base equivalents", when in reality, they are Class A SMFs. This mistakenly leads to them being used up to the underside of the bituminous layer.	
Q13d: If you are involved in a recycling initiative, would you be happy to supply the department with information?	
Yes ☒	No ☐

Question 14

Binder penetration and equivalence The binder penetration table now reflects a much wider range of soft and hard binders that impact on reinstatement design thickness. The thickness can vary in different conditions, so the table provides options. This has been updated to show the different labelling of products introduced by the new European standards. There should be no

additional impact on industry as this formalises current procedure. **Q14: Are the requirements of the table clear?**

Yes ☒	No ☐

If not please suggest improvements.

Presentational Changes

Question 15

Clarification and restructuring of Code The opportunity has been taken to remove ambiguities in the existing code and to re-order it. This will reduce areas of confusion that waste time and improve navigation to the relevant chapters. By doing this it will generate a small positive impact for those who use it in the street works environment. **Q15a: Do you agree that the code has been clarified and ambiguities removed?**

Yes ☐	No ☒

If not please explain what you would like to see used and why.
In principle, the answer to this question is yes, as whilst NJUG members on the Working Party inputted a substantial amount of time and effort in this area, the document still falls short of our aspirations. Areas to consider include; 1. a technical index and cross-refereing section at the rear 2. given the 3rd edition will be downloadable (soft), there is potential for internal document hyperlinks stemming from the contents page, but also including any internal clause cross-referencing, external documentation cross referencing (such as the MCDHW) etc. These measures will enhance understanding and should therefore be included.

Question 15

Re order sections and tabulate information A general layout alteration improves understanding and assists with navigation. This means less time trying to find what you are looking for. There will be a small positive impact on Industry, due to the time saved. **Q15a: Do you agree that the code has been clarified and ambiguities removed?**

Yes ☒	No ☐

If not please explain what you would like to see used and why.

Q15b: Do you agree that the code is easier to navigate?	
Yes ☒	No ☐
If not, please suggest improvements.	

Question 16

Skid Resistant Values The changes in the Code of Practice take into account the latest advice from the DFT in respect of the required skid resistance within various road types, and have resulted in the table of values for reinstatements being amended to reflect the change**.** The DFT guidance that has led to this change is: Design Manual *for Roads and Bridges: Volume 7 Pavement design and maintenance Section 3 Pavement Maintenance Assessment Part 1: HD 28/04 Skid Resistance* **Q16: Are the requirements of the amended table clear?**	
Yes ☒	No ☐
In not, please suggest improvements.	

Ideas that were considered but not taken up as part of this revision

Question 17

Compliance Testing HAUC (UK) mandated the development of a new compliance testing scheme that includes coring to check reinstatements. The cost is on the utility company with a scale and level of testing related performance. This was beyond the powers of the primary legislation for the purpose of this Code, so a voluntary scheme is currently being considered by (HAUC (UK). **Q17: Would you support the introduction of a compliance testing scheme?**	
Yes ☒	No ☒
If not, please explain why.	
NJUG has previously signed up in principle to Compliance Testing; the mandate given by HAUC (UK) to the Working Party to prepare a scheme for review, is by implication, NJUG's agreement to compliance testing. Whilst supporting compliance testing, NJUG does not believe that it should be utility costed. As with current local regimes and the Scottish coring regime, costs should either be by failure or shared. Utilities already carry out compliance testing at their own cost as part of their quality assurance of their contractors.	

Question 18

Extending guarantee period The working group considered extending the current guarantee period of two years, or three years in the case of deep openings from completion of a permanent reinstatement. It was decided that there needed to be evidence to support an extension of the guarantee period. In particular, the justification for extending the guarantee period would need to show that there were significant numbers of reinstatements that were apparently compliant just before the end of the guarantee period (i.e. 21 months or 33 months for deep excavations) However, there was not strong evidence that a significant number of reinstatements that were apparently compliant just before the end of the guarantee period were subsequently failing in the next few years. **Q18: Do you consider two and three years appropriate for the guarantee period?**	
Yes ☒	No ☐
If not, why not.	
Whilst NJUG firmly considers that the 2/3 year Guarantee periods are operating very well, NJUG has previously documented its concerns over an extension to the	

Guaratnee Period(s) as called for by some Highway Authorities in the Working Party. NJUG considers it important its views are recorded through this consultation response. The narrative previously provided is therefore reproduced below:

Background

During the course of the period during which the 2nd Edition of the SROH CoP has been reviewed, Mo Abraham has consistently raised the desire by Welsh Highway Authorities for an increase in the Guarantee Period to 5 years. This is in line with the issue raised by Welsh Highway Authorities as a result of the mini-Consultation which pre-dated the review of the 2nd Edition. This request for an increase to the Guarantee Period was the only one received under the mini-Consultation, which canvassed all 4 domestic countries across the UK.

The Utilities side have actively engaged in numerous discussions at Working Party meetings in relation to the matter. The broad line adopted by the Utilities has been for the Highways side to substantiate their case through formalised, documented evidence and statistics. The documentation received under cover of the email of 18th January 2009 builds on a presentation by Mo Abraham at the 2-day April 2007 Working Party meeting and initial statistics for c.50% of the Welsh Highway Authorities, received in April 2008.

This short paper sets out the Utilities-side's position as to the evidence presented to date. By way of this Paper, the Utilities re-iterate their openness to examining all mechanisms for improving the quality of reinstatements, including any demonstrable benefits that an extension of the Guarantee Period might offer.

Utilities are most disappointed that they are considered not to have input into the Guarantee Period debate. Specifically within the Working Party, as above, all that Utilities have asked for is a substantiated case to permit debate. Mo Abraham's documents have only been provided 2 months before the Working Party is due to hand over its completed review to the Department for Transport. In parallel, Utilities have worked with other relevant Highway Bodies on linked initiatives, including investigations into Long Term Performance of Reinstatements [via CSS] and the development of Resurfacing Regulations in Scotland [via RAUC (Scotland)]

Overview of the Proposal

Utilities perceive the following numbered points as the key supporting areas set out in the proposal, against which the Utilities' comments are appended:

1. Supported by study of reinstatements at age 5 years, carried out across a full range of authority types (rural, urban, city, metropolitan, unitary etc.).

The study results are welcomed, but Utilities do not consider the results to be sufficiently robust or conclusive to advocate a move to a 5 year Guarantee Period [see following separate section]

2. Current noticing and communication tools have removed logistical barriers to

record keeping on both sides over a longer (5 year) period.

Agreed in principle.

3. Study demonstrates that improvement is desirable but also, realistically achievable.

At broadly 90% compliance at 5 years, the study shows there is a (small) margin for improvement, against the performance requirements set out in the current 2nd Edition of the SROH Code of Practice.

4. Increased Guarantee Period will promote cultural change to assure those standards are met.

Against the background of traditional pan-construction industry sub-Contractor operating models, one ‘link’ in the cost-chain will bear the cost of increased contract liability arising from an increased Defects Guarantee Period. It is most unlikely that the operative or his immediate employer will bear this cost. More probably it will be the first sub-Contractor working for the Utility’s main, or Tier 1, Contractor. Whilst Utilities perceive that an increased Guarantee Period may instigate a review of working practices, it is very premature in the debate to be confident of this, to the extent that it would substantially support any Impact Assessment.

Without much wider debate, Utilities are most concerned that both sides could respectively entrench into very tunnelled-vision on negation of liabilities (over a longer period) between the additional costs to Utilities on the one hand and the impact on a Highway/Road Authority's asset on the other hand.

5. No proposal to increase the number of random sample inspections.

Welcomed, but considered a pre-requisite by Utilities.

6. No Highways side expectation as to the degree of improvement.

This appears to have been left to Utilities to assess for themselves. Different Utility Sectors – electricity, gas, telecoms, water – might assign their own step-change improvement deriving from an extended Guarantee Period. This would drive different responses as to (any) cost implications, and whether recovery of these perceived costs (of doing business) might be sought through Regulatory review.

Utilities consider that both sides should at least consider what an expected and reasonable degree of improvement arising from an extension of the Guarantee Period to 5 years should be if only to support the necessary costing under the Impact Assessment.

7. Supports the market introducing good quality recycled products.

The agreed improvements to the Appendix A9 – Alternative Reinstatement Materials – assessment process proposed under the 3rd Edition draft, contemplates successful testing over the traditional 2-year period. Utilities recognise a natural increased nervousness with new materials (on both sides). The robustness of the proposed A9 coupled with the effective protection afforded by case law – BT vs. Nottingham – are surely two safeguards in this respect.

8. Supports NJUG's vision of World Class Street Works, which through extension of the Guarantee Period will 'ensure' this will become the NJUG Reality.

Street works encompass a wide range of activities undertaken by Utilities, of which, physical reinstatements are one. Utilities are of course working hard internally and with industry to seek to achieve this. As already stated, Utilities consider that both sides should agree upon an expected and reasonable degree of improvement arising from an extension of the Guarantee Period to 5 years should be, and whether such an improvement would move Utilities from the current situation of (broadly) 90% compliance at 5 years to a yet undetermined position deemed by both sides to be World Class.

Points noted by Utilities reviewing the Study Results

Utilities include brief bullet points noted from the Study.

- no detail as to the alleged defect criteria – presumably visual inspections/interventions;

- very different results from broadly adjacent HAs, particularly as the same Utility Contractors would be working in both areas – example is Cardiff (6.7% non-compliance) and Bridgend (52.2% non-compliance);

- two London Borough s show 100% compliance, which whilst welcome is surprising;

- English HAs make up c.33% of Trial findings, yet represent c.85% of combined English and Welsh HAs;

- is there a lack of consistency of inspections – c.f. the CSS Long Term Performance Reports remove any inconsistency or subjectiveness, by employing independent inspectors.

- figure hovering around 10-11% it shows it's roughly in line with NRSWA expectations as supported by the CoP for Inspections (at 2/3 years)

- figures for non-compliance with specification should be discounted immediately to 8.1%, further diminishing the arguments for extension of the Guarantee Period.

- If we require a retention for 5 years then that will drive up costs as it will impact on the contractors profitability

Comments in relation to Costs and the Retention Mechanism

Utilities understand that the majority of conventional contracted road building and Highway Authority Term Maintenance Contracts hold retentions for 1 year. Utility Contracts work on 2 years for their reinstatements, mirroring the 2 year Guarantee Period, set out in the SROH. Generally Retentions of 5% tend to be uncapped over the Contract Term, given the works are built across the Term. By implication, the monies retained effectively cover the cost of only defective rates running at 5%; capping this to a maximum cost over a 5-year life-cycle would significantly undermine the not unreasonable financial liability protection otherwise afforded to Utilities. Healthy gross margins in the construction industry are in the 5%-10% range, making nett margins c.3.5%-7.0%. By implication, nett margins are effectively ring-fenced through the Retention mechanism for the 2 year period. Contractors therefore rely on previous Contracts' Retention releases to off-set the Work-in-Progress retained monies. Utilities remain extremely sceptical that any Client imposing such an increase in the Guarantee Period would not see increases in its Contractor costs. Conclusion Utilities are pleased to have received improved data in support of the increased Guarantee Period debate. This response has sought to examine the narrative and the appended study data. It has not reviewed the points noted in the Codicil, which would need to be debated in much more detail, ahead of any reasoned outcome of an increased Guarantee Period review by the Working Party. Without this proper debate, Utilities cannot accept that an increased Guarantee Period is included in the SROH CoP provided to the Department for Transport.
If you support a significantly longer guarantee period please provide information on: • **The number of reinstatements in each of the 3 financial years.** • **The number of remedial works in each of the 3 financial years.** • **Sites where reinstatement fails outside of the guarantee period in each of the 3 financial years.** • **What was the general cause of the failure of the original reinstatement? Remedial works? Or other factors?** • **Why was no action taken before the end of the guarantee period?**
We do not support a significantly longer guarantee period.

IMPACT ASSESMENT

Question 19

Impact Assessment details The Impact Assessment drafted by the department details costs and benefits associated with the proposed changes to the code. It explains that the changes are cost neutral to utility companies, as any investment in training should be offset against the benefits of fewer returns to put right a failing reinstatement. The working group concluded that the vast majority of the changes are updating the code with practices that are already happening. **Q19a: Do you disagree with any of the assumptions in the impact assessment?**	
Yes ☐	No ☐
If so why? Please provide justification for using alternative assumptions.	
Q19b: Do you agree that the new code will be generally cost neutral to utility companies?	
Yes ☒	No ☐
If not, please detail any additional costs or benefits not highlighted in the Impact Assessment.	
Q19c: Do you agree that the case studies highlighted, clearly display financial benefits with using recycled materials?	
Yes ☐	No ☐
If not, please explain why this is not accurate.	

Question 20

Q20: Are there any additional issues that are not covered by this consultation?	
Yes ☒	No ☒
If so, please describe why and provide all the necessary supporting evidence.	
"Minimising Carbon Footprint" could have an impact on any soil-stabilising compounds that use OPC: cement production is a huge carbon producer. Need to keep this in mind incase it dwarfs the other benefits (ie landfill/virgin aggregate minimisation, improving engineering utility of marginal soils etc). S1.6.1(ii) It is not clear why an alternative excavation method (such as coring) would need Highway Authority approval before it is undertaken. This seems unduly restrictive. The excavation does not form part of the permanent works and as long as the new process does not damage the existing highway, NJUG feels it should be allowed for use without prior notification. The wording in the Dfrat Code should be	

challenged.

S6.4.11 The current gas industry keyhole coring trials are up to 450mm diameter. It is hoped that the current 300mm dimension is not an upper limit on size for such techniques.

S10.2.3.4 Coring proximity to ironwork - there may be a risk of cracking between the core hole and the surface feature (valve box etc). NJUG would suggest a larger spacing (possibly a multiple of the core diameter) is considered.

Figure A2.1 LH diagram - there is a “spare” layer between the Binder and Base course. Otherwise this diagram should help show that part of the GSB1 in Type 4 is the base course and can’t be replaced with an A9 SMF, as per previous comment.

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